

1 T. JOSEPH SNODGRASS (MN# 231071) (*pro hac vice*)
Email: jsnodgrass@larsonking.com
2 KELLY A. SWANSON (MN# 330838) (*pro hac vice*)
Email: kswanson@larsonking.com
3 LARSON KING, LLP
2800 Wells Fargo Place
4 30 East 7th Street
St. Paul, Minnesota 55101
5 Telephone: (651) 312-6500
Facsimile: (651) 312-6619

6 Attorneys for Plaintiff
7 MONTE RUSSELL

8 GLENN L. BRIGGS (SB# 174497)
Email: gbriggs@hbwillp.com
9 THERESA A. KADING (SB# 211469)
Email: tkading@hbwillp.com
10 HODEL BRIGGS WINTER LLP
8105 Irvine Center Drive, Suite 1400
11 Irvine, CA 92618
12 Telephone: (949) 450-8040
Facsimile: (949) 450-8033

13 Attorneys for Defendant
14 WELLS FARGO BANK, N.A. (ERRONEOUSLY SUED
HEREIN AS WELLS FARGO & COMPANY)

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

18 MONTE RUSSELL, on behalf of
19 himself and others similarly situated,

20 Plaintiff,

21 vs.

22 WELLS FARGO & COMPANY,
23 Defendants.

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**STIPULATION RE EXTENSION
OF BRIEFING SCHEDULE ON
PLAINTIFF'S MOTION TO
STRIKE OR INVALIDATE RULE
68 OFFERS; ~~PROPOSED~~ ORDER
APPROVING EXTENSION**

25
26 Plaintiff Monte Russell ("Plaintiff") and Defendant Wells Fargo Bank, N.A.
27 (erroneously sued herein as Wells Fargo & Company) ("Defendant"), through their
28 respective counsel, pursuant to Local Rule 6-2, hereby stipulate as follows:

1 WHEREAS, on September 11, 2008, Plaintiff filed a Notice of Motion and
2 Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of Judgment
3 ("Motion");

4
5 WHEREAS, on September 30, 2008, Plaintiff filed an Amended Notice of
6 Motion and Motion to Strike or Otherwise Invalidate Defendant's Rule 68 Offers of
7 Judgment, setting the hearing date on the Motion for December 11, 2008;

8
9 WHEREAS, Defendant's response to the Motion is due on Thursday,
10 November 20, 2008;

11
12 WHEREAS, the parties have resumed and been engaging in extensive and
13 thorough settlement negotiations since September 2008 and have halted discovery
14 and other litigation pending settlement negotiations; and

15
16 WHEREAS, the parties wish to conserve their and the Court's resources in
17 the event that a settlement is reached.

18
19 NOW, THEREFORE, through their respective counsel, THE PARTIES
20 HEREBY STIPULATE AS FOLLOWS:

21
22 1. The hearing on Plaintiff's Motion is continued from December 11,
23 2008, to January 8, 2009, at 2 p.m. The parties request that the January 8, 2009
24 hearing also be used as a status conference in the event settlement is not reached.

25 ///

26 ///

27 ///

28 ///

2. The deadline for Defendant to file a response to Plaintiff's Motion shall be measured from the continued hearing date.

DATED: November 20, 2008 LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

By: /s/ T. JOSEPH SNODGRASS
T. JOSEPH SNODGRASS

Attorneys for Plaintiff
MONTE RUSSELL

DATED: November 20, 2008 HODEL BRIGGS WINTER LLP
GLENN L. BRIGGS
THERESA A. KADING

By: /s/ THERESA A. KADING
THERESA A. KADING

Attorneys for Defendant
WELLS FARGO BANK, N.A.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

11/25

Dated: _____, 2008

A handwritten signature in blue ink, appearing to read "Claudia Wilken", with a long horizontal flourish extending to the right.

CLAUDIA WILKEN
DISTRICT COURT JUDGE

PROOF OF SERVICE

UNITED STATES DISTRICT COURT)
COUNTY OF ORANGE) ss:

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618. On this date I served the following documents:

**STIPULATION RE EXTENSION OF BRIEFING
SCHEDULE ON PLAINTIFF'S MOTION TO
STRIKE OR INVALIDATE RULE 68 OFFERS;
[PROPOSED] ORDER APPROVING EXTENSION**

On the parties shown below:

William M. Audet
Adel A. Nadji
AUDET & PARTNERS, LLP
221 Main Street, Suite 1460
San Francisco, California 94105
Telephone: (415) 568-2555
Facsimile: (415) 568-2556

T. Joseph Snodgrass
Kelly A. Swanson
LARSON KING, LLP
2800 Wells Fargo Place
30 East 7th Street
St. Paul, Minnesota 55101
Telephone: (651) 312-6500
Facsimile: (651) 312-6619

- ☒ (BY ELECTRONIC FILING): on this date I provided the document(s) listed above electronically through the Court's electronic filing service provider pursuant to the instructions on that website.
- ☒ Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made:

Executed on November 20, 2008, at Irvine, California.

/s/ Valerie A. Beechler
Valerie A. Beechler